

# HOUSE BILL 386

D4

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By: **Delegates Rosenberg and Haynes**  
Introduced and read first time: January 28, 2010  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Child Support Enforcement – Performance Incentive Model**  
3 **Office**

4 FOR the purpose of requiring the Secretary of Human Resources to establish  
5 performance incentive model offices; requiring the Secretary to establish a  
6 certain performance incentive program; providing that a performance incentive  
7 model office may conduct a conciliation conference; authorizing the Secretary to  
8 adopt regulations; defining certain terms; requiring the Secretary to report to  
9 certain committees of the General Assembly on or before certain dates; and  
10 generally relating to child support.

11 BY adding to  
12 Article – Family Law  
13 Section 10–119.1  
14 Annotated Code of Maryland  
15 (2006 Replacement Volume and 2009 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Family Law**

19 **10–119.1.**

20 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
21 MEANINGS INDICATED.

22 (2) “CONCILIATION CONFERENCE” MEANS A CONFERENCE  
23 CONDUCTED AT A PERFORMANCE INCENTIVE MODEL OFFICE TO PROVIDE AN  
24 OPPORTUNITY FOR THE PARTIES TO RESOLVE ISSUES ASSOCIATED WITH AN

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 ACTION TO MODIFY OR ENFORCE A DUTY OF SUPPORT PRIOR TO GOING TO A  
2 COURT PROCEEDING.

3 (3) "PERFORMANCE INCENTIVE MODEL OFFICE" MEANS AN  
4 OFFICE DESCRIBED UNDER THIS SECTION THAT PROVIDES CHILD SUPPORT  
5 ENFORCEMENT SERVICES.

6 (B) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE SECRETARY  
7 OF HUMAN RESOURCES SHALL ESTABLISH CHILD SUPPORT PERFORMANCE  
8 INCENTIVE MODEL OFFICES IN ALL JURISDICTIONS.

9 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE  
10 SECRETARY SHALL HAVE SOLE AUTHORITY OVER THE CHILD SUPPORT  
11 ENFORCEMENT SERVICES IN A PERFORMANCE INCENTIVE MODEL OFFICE,  
12 INCLUDING:

13 (1) LOCATION OF PARENTS;

14 (2) ESTABLISHING PATERNITIES;

15 (3) ESTABLISHING CHILD SUPPORT ORDERS;

16 (4) COLLECTING AND DISBURSING SUPPORT PAYMENTS;

17 (5) REVIEWING AND MODIFYING CHILD SUPPORT ORDERS;

18 (6) ENFORCING SUPPORT OBLIGATIONS;

19 (7) PROVIDING LEGAL REPRESENTATION IN ACCORDANCE WITH §  
20 10-115 OF THIS SUBTITLE; AND

21 (8) ESTABLISHING CONTRACTUAL AGREEMENTS WITH PRIVATE  
22 OR PUBLIC ENTITIES TO PROVIDE CHILD SUPPORT SERVICES.

23 (D) THE SECRETARY SHALL ESTABLISH A PERFORMANCE INCENTIVE  
24 PROGRAM TO PROVIDE MONETARY INCENTIVES TO EMPLOYEES IN A  
25 PERFORMANCE INCENTIVE MODEL OFFICE.

26 (E) IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION, A  
27 PERFORMANCE INCENTIVE MODEL OFFICE MAY CONDUCT A CONCILIATION  
28 CONFERENCE.

1           **(F) (1) IF A COMPLAINT IS FILED TO MODIFY OR ENFORCE A DUTY OF**  
2 **SUPPORT, THE COURT MAY ISSUE A WRIT OF SUMMONS TO ORDER THE PARTIES**  
3 **TO APPEAR AND TO PRODUCE DOCUMENTS AT A CONCILIATION CONFERENCE.**

4           **(2) IF A PARTY FAILS TO APPEAR OR FAILS TO PRODUCE THE**  
5 **DOCUMENTS REQUIRED UNDER THIS SUBSECTION, A REPRESENTATIVE OF THE**  
6 **PERFORMANCE INCENTIVE MODEL OFFICE MAY APPLY, ON AFFIDAVIT, TO THE**  
7 **COURT FOR A BODY ATTACHMENT.**

8           **(3) IF A PARTY FAILS OR REFUSES TO OBEY A COURT ORDER TO**  
9 **APPEAR OR PRODUCE THE DOCUMENTS REQUIRED UNDER THIS SUBSECTION AT**  
10 **A CONCILIATION CONFERENCE, THE COURT MAY ISSUE A BODY ATTACHMENT OR**  
11 **COMPEL COMPLIANCE IN ANY OTHER MANNER AVAILABLE TO THE COURT TO**  
12 **ENFORCE ITS ORDER.**

13           **(G) THE POWERS OF THE SECRETARY TO CARRY OUT THE PROVISIONS**  
14 **OF THIS SECTION SHALL BE CONSTRUED LIBERALLY.**

15           SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December  
16 31, 2011, and December 21, 2012, the Secretary of Human Resources shall evaluate  
17 the performance incentive model offices in all jurisdictions and, in accordance with §  
18 2-1246 of the State Government Article, report on the evaluation to the Senate  
19 Finance Committee and the House Appropriations Committee.

20           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2010.